

Lauren O. Miller (CA SBN 279448)
millerl@tesla.com
510-362-3599
Ryan A. McCarthy (CA SBN 233093)
rmccarthy@tesla.com
510-602-3267
TESLA INC.
3000 Hanover Street
Palo Alto, CA 94304

Attorneys for Defendant TESLA, INC.

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

LAILA SULTANI, and S.S., a minor, by and
through her Guardian Ad Litem EHSAN
SULTANI,

Plaintiff,

vs.

TESLA, INC., doing business in California as
TESLA MOTORS, INC., and DOES 1 through
50, inclusive,

Defendants.

Case No. _____

[Originally Filed in Sacramento County
Superior Court, Case No. 24CV004635]

**DEFENDANT TESLA, INC.'S NOTICE OF
REMOVAL TO THE UNITED STATES
DISTRICT COURT FOR THE EASTERN
DISTRICT OF CALIFORNIA UNDER 28
U.S.C. § 1332 DIVERSITY JURISDICTION
DECLARATION OF LAUREN O.
MILLER**

Date Filed: March 8, 2024

**TO THE CLERK OF THE UNITED STATES DISTRICT COURT, EASTERN
DISTRICT OF CALIFORNIA:**

PLEASE TAKE NOTICE that Defendant Tesla, Inc. ("Tesla") hereby removes the above-entitled action from the Sacramento County Superior Court of the State of California ("State Court"), where the above-entitled action (the "Action") was filed, to the United States District Court for the Eastern District of California.

///

///

///

I.

TIMELINESS OF REMOVAL

1. On May 12, 2023, Plaintiffs Laila Sultani and S.S. were involved in a vehicle collision wherein they allege they were “pulling into their driveway [when] the SUBJECT VEHICLE accelerated into and through their garage door...causing injury to the Plaintiffs.” (See the Declaration of Lauren O. Miller (“Miller Decl.”), ¶ 2, Ex. A [Compl.] at ¶ 9.). On March 8, 2024, Plaintiffs Laila Sultani and S.S., the latter through her Guardian ad Litem Eshan Sultani (“Plaintiffs”), commenced the Action in the State Court by filing their Complaint (“Complaint”) entitled *Laila Sultani, and S.S., a minor, by and through her Guardian ad Litem Eshan [sic] Sultani v. Tesla, Inc., and Does 1 through 50, inclusive*, Superior Court of California for the County of Sacramento, Case No. 24CV004635. (See Miller Decl., ¶ 2, Ex. A.). The Complaint alleges three causes of action against Tesla for (1) strict products liability—defective design, manufacturing, and failure to warn, (2) negligence—products, and (3) negligence—post-sale. (*Id.*).

2. On April 4, 2024, Plaintiffs filed an Amended Complaint, containing the same causes of action. (Miller Decl., ¶ 3, Ex. B [Amended Compl.]). The Amended Complaint modified the caption to correct a typographical error in the Guardian’s name and to identify Tesla’s d/b/a: *Laila Sultani, and S.S., a minor, by and through her Guardian ad Litem Ehsan Sultani v. Tesla, Inc., doing business in California as Tesla Motors, Inc., and Does 1 through 50, inclusive*.

3. Plaintiffs did not serve the original Complaint, rather they effectuated service of the Summons and Amended Complaint on Tesla on April 18, 2024. (Miller Decl., ¶ 3, Ex. B). Tesla is the only defendant named in the operative Complaint, and the only defendant to have been served with the Summons and Amended Complaint in the Action. (Miller Decl., ¶ 4).

4. Because Tesla files this Notice of Removal within 30 days of the date of service of the Summons and Amended Complaint, this Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b).

///

1 **II.**

2 **VENUE**

3 5. Pursuant to 28 U.S.C. § 1441(a) and 1446(b), venue is proper in the Eastern District.
 4 This action was originally filed in the Superior Court of the State of California, County of
 5 Sacramento. (Miller Decl., ¶ 2, Ex. A).

6 **III.**

7 **DIVERSITY JURISDICTION**

8 6. This is a civil action over which this Court has original jurisdiction, and one in which
 9 Tesla may remove to this Court pursuant to the provisions of 28 U.S.C. §§ 1332(a) and 1441(a)
 10 because the matter in controversy exceeds the sum of \$75,000, exclusive of interest and costs, and
 11 is between citizens of different states, as explained further below.

12 7. **Citizenship of Parties.** The parties in this case are two individuals and a
 13 corporation. For diversity purposes, a natural person is a “citizen” of the state where he or she is
 14 domiciled. *Kantor v. Wellesley Galleries, Ltd.*, 704 F.2d 1088, 1090 (9th Cir. 1983); *Coury v. Prot*,
 15 85 F.3d 244, 249-250 (5th Cir. 1996). Here, Plaintiffs are residents of Sacramento County in the
 16 State of California. Plaintiffs allege in their Amended Complaint that the Sacramento County Court
 17 is a proper venue “because the injuries giving rise to this action occurred within the County of
 18 Sacramento” and that the incident occurred as Plaintiffs were “pulling into their
 19 driveway.” (Miller Decl., ¶ 3, Ex. B, ¶¶ 7, 9). While not explicitly alleging they live within the
 20 Eastern District, these two allegations taken together make clear they reside in Sacramento.

21 8. Defendant Tesla is a corporation. A corporation is a “citizen” in both the state in
 22 which it was incorporated and the state where it maintains its principal place of business. 28 U.S.C.
 23 § 1332(c). As of April 18, 2024 when served with the Amended Complaint, and as of this filing,
 24 Tesla is a Delaware Corporation with its principal place of business located at 1 Tesla Road, Austin,
 25 Texas 78725. (Miller Decl., ¶ 5.). The Amended Complaint erroneously asserts Tesla’s
 26 principal place of business to be in Palo Alto, California (Ex. B, ¶ 3); Tesla relocated its
 27 headquarters and principal place of business from Palo Alto to Austin, Texas on December 1, 2022.
 28 (Miller Decl., ¶ 5.).

9. Plaintiffs also named Doe defendants in the Complaint. However, for purposes of removal, “the citizenship of defendants sued under fictitious names shall be disregarded.” 28 U.S.C. § 1441(b)(1).

10. **Amount in Controversy Exceeds \$75,000**. Diversity jurisdiction requires that “the matter in controversy exceed[] the sum or value of \$75,000, exclusive of interest and costs” 28 U.S.C. § 1332(a); *see Arbaugh v. Y & H Corp.*, 546 U.S. 500 (2006); *CE Design Ltd. v. Am. Econ. Ins. Co.*, 755 F.3d 39, 43 (1st Cir. 2014). The amount in controversy is simply an estimate of the total amount in dispute, not a prospective assessment of defendant’s liability. *Lewis v. Verizon Communications, Inc.*, 627 F.3d 395, 400 (9th Cir. 2010). Here, Plaintiff seeks damages for pain and suffering, past and future medical expenses, and lost learnings and earning capacity for each of the two individuals involved in the collision. (Miller Decl., ¶ 3, Ex. B, pp. 9-10, Prayer). Plaintiffs also seek damages in terms of interest, for costs of the suit, and any relief that the Court may find proper. (*Id.*).

11. Tesla’s counsel met and conferred with Plaintiffs’ counsel and requested a stipulation that the Plaintiffs’ damages would not exceed \$75,000 and Plaintiffs’ counsel declined, stating the damages sought would exceed that amount. (Miller Decl., ¶ 6.) Plaintiffs’ counsel also indicated they would not oppose or otherwise seek remand following removal. (*Id.*).

12. Based on Plaintiffs’ Amended Complaint and the damages sought, the amount in controversy exceeds the jurisdictional amount of \$75,000. *Compare* 28 U.S.C. § 1446(c)(2)(A)(ii) (“the notice of removal may assert the amount in controversy if the initial pleading seeks . . . a monetary judgment, but the State practice either does not permit demand for a specific sum . . .”) with Cal. Code Civ. Proc. § 425.10(b) (“ . . . where an action is brought to recover actual or punitive damages for personal injury or wrongful death, the amount demanded shall not be stated . . .”); *see also* 28 U.S.C. § 1446(c)(2)(B) (the amount in controversy requirement is satisfied “if the district court finds, by the preponderance of the evidence, that the amount in controversy exceeds the amount specified in section 1332(a).”); *Arias v. Residence Inn by Marriot*, 936 F.3d 920 (9th Cir. 2019) (reiterating that a “notice of removal ‘need not contain evidentiary submissions’ but only plausible allegations of the jurisdictional elements.”).

IV.

PROCEDURAL STATEMENT

13. Pursuant to 28 U.S.C. § 1446(d), Notice of this Removal will be promptly served on counsel of record for Plaintiffs and filed with the Clerk of the Superior Court of the State of California, County of Sacramento, as required by law.

14. Tesla filed its answer in state court on May 10, 2024. Pursuant to 28 U.S.C. § 1446(a), a copy of all process, pleadings, orders, and other papers received by Tesla to date are attached to this Notice of Removal. (Miller Decl., ¶¶ 2, 3 and 7, Exs. A [Comp.], B [Amended Complaint] and C [Answer].).

15. No previous Notice of Removal has been filed in this Action.

16. Tesla reserves the right to amend or supplement this Notice of Removal.

17. By filing this Notice of Removal, Tesla does not waive, either expressly or impliedly, its rights to assert any defense which it could have asserted in the Superior Court of the State of California for the County of Sacramento. If any question arises as to the propriety of the removal of this action, Tesla respectfully requests an opportunity to present a brief, additional evidence, and oral argument on this issue.

///

///

///

///

///

///

///

///

///

///

///

///

V.

CONCLUSION

18. For the foregoing reasons, this Court has jurisdiction over the instant action under the provisions of 28 U.S.C. § 1332(a) because the action involves a controversy that exceeds the value of \$75,000, exclusive of interest and costs, and because complete diversity exists between Plaintiff and Tesla. Accordingly, this action is properly removed to this Court pursuant to the provisions of 28 U.S.C. §§ 1441(a) and 1446(a).

WHEREFORE, Tesla respectfully requests that the Court assume jurisdiction over this action.

DATED: May 18, 2024

TESLA, INC.

By: _____



Ryan A. McCarthy
Lauren O. Miller
Attorneys for Defendant
TESLA, INC.

EXHIBIT A

DECLARATION OF LAUREN O. MILLER

1
2
3
4 1. I am employed by Tesla, Inc. as Senior Counsel and I submit this
5 Declaration in support of Tesla's Removal of this action to Federal Court. The following matters
6 are based on my personal knowledge. If called as a witness, I would testify competently to the
7 matters set forth herein.

8 2. Attached as Exhibit A is a true and correct copy of the Complaint filed in this action.

9 3. Attached as Exhibit B is a true and correct copy of the Amended Complaint filed in
10 this action, containing the same causes of action as the original Complainy.

11 4. Plaintiffs did not serve the original Complaint, rather they effectuated service of the
12 Summons and Amended Complaint on Tesla on April 18, 2024. Tesla is the only defendant named
13 in the operative Complaint, and the only defendant to have been served with the Summons and
14 Amended Complaint in the Action.

15 5. Defendant Tesla is a corporation. As of April 18, 2024 when served with the
16 Amended Complaint, and as of this filing, Tesla is a Delaware Corporation with its principal place
17 of business located at 1 Tesla Road, Austin, Texas 78725. Tesla relocated its headquarters and
18 principal place of business from Palo Alto to Austin, Texas on December 1, 2022.

19 6. Tesla's counsel met and conferred with Plaintiffs' counsel and requested a
20 stipulation that the Plaintiffs' damages would not exceed \$75,000 and Plaintiffs' counsel declined,
21 stating the damages sought would exceed that amount. Plaintiffs' counsel also indicated they would
22 not oppose or otherwise seek remand following removal.

23 7. Tesla filed its answer in state court on May 10, 2024. Attached as Exhibit C is a true
24 and correct copy of the as-filed Answer.

25 ///

26 ///

27 ///

28 ///

1 I declare under the penalty of perjury under the laws of the State of California that the
2 foregoing is true and correct and that this declaration is executed on May 18, 2024 at San Jose,
3 California

4
5 DATED: May 18, 2024

6
7
8 By:



9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Lauren O. Miller

EXHIBIT A

ELECTRONICALLY FILED
Superior Court of California
County of Sacramento
03/08/2024

RYAN L. DOSTART, ESQ. / SBN: 281539
DREYER BABICH BUCCOLA WOOD CAMPORA, LLP
20 Bicentennial Circle
Sacramento, CA 95826
Telephone: (916) 379-3500
Facsimile: (916) 379-3599
DBBWC-ESERVICE@dbbwc.com

By: H. Larson Deputy

Attorneys for Plaintiff

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SACRAMENTO

LAILA SULTANI, and S [REDACTED] S [REDACTED], a
minor, by and through her Guardian Ad
Litem ESHAN SULTANI,

Case No.: **24CV004635**

COMPLAINT

Plaintiff,

v.

TESLA INC., and DOES 1 through 50,
inclusive,
Defendants.

Plaintiffs LAILA SULTANI and S [REDACTED] S [REDACTED] complain against Defendants TESLA INC.,
and DOES 1 through 50, and alleges as follows:

GENERAL ALLEGATIONS APPLICABLE TO EACH CAUSE OF ACTION

1. On May 12, 2023, Plaintiff LAILA SULTANI was operating the 2023 Tesla Model 3,
herein after known as "SUBJECT VEHICLE", with Plaintiff S [REDACTED] S [REDACTED] in the front passenger
seat. They were injured when they used a defective and dangerous electric vehicle and as a result
thereof suffered damages.

2. Plaintiffs are informed and believe, and thereupon allege that the injuries and
damages suffered by Plaintiffs LAILA SULTANI and S [REDACTED] S [REDACTED] mother and daughter, were
caused by Defendant TESLA INC., and DOES, and each of them, as described herein, for which
Defendants owe Plaintiffs money damages. Accordingly, Plaintiffs LAILA SULTANI and S [REDACTED]

1 S [REDACTED] now assert causes of action against the above-named Defendants on negligence and
2 strict liability theories under California law.

3 3. The true names and/or capacities, whether individual, corporate, associate or
4 otherwise of Defendants DOES 1 through 50, inclusive, and each of them, are unknown to
5 Plaintiffs, who therefore sue said defendants by such fictitious names. Plaintiffs LAILA SULTANI
6 and S [REDACTED] S [REDACTED] are informed and believe, and thereupon allege, that each of the defendants
7 fictitiously named herein as DOES 1 through 50, inclusive, is legally responsible in some manner
8 at law or equity, by virtue of strict liability, principles, negligence, failure to warn, or warranty, or
9 through some other actionable theories, for the events and happenings hereinafter referred to as
10 substantial factors in causing the injuries and damages to Plaintiffs LAILA SULTANI and S [REDACTED]
11 S [REDACTED] as alleged herein. Plaintiffs LAILA SULTANI and SAMAR SULTANI will seek leave of Court
12 to amend this Complaint to assert the true names and/or capacities and applicable legal theories
13 against such fictitiously named defendants when the same have been ascertained.

14 4. Plaintiffs LAILA SULTANI and S [REDACTED] S [REDACTED] are informed and believe, and
15 thereupon allege that, at all times mentioned herein, Defendant TESLA, INC., and DOES, and
16 each of them, was and is a corporation organized under the laws of the State of Delaware, with
17 its principal place of business in Palo Alto, California, in the County of Santa Clara, which has
18 regularly done and is doing business in the State of California.

19 5. Plaintiffs LAILA SULTANI and S [REDACTED] S [REDACTED] are informed and believe, and
20 thereupon allege, that at all times herein mentioned, Defendant TESLA INC., and DOES, and each
21 of them, acted as the agent, servant, partner, franchisee, joint venturer, and/or employee of
22 each of the other Defendant TESLA INC., and DOES, and each of them within the course and scop
23 of such agency and authority.

24 6. Plaintiffs LAILA SULTANI and S [REDACTED] S [REDACTED] are informed and believe, and
25 thereupon allege, that at all times herein mentioned, Defendant TESLA INC., and DOES, and each
26 of them, designed, tested, developed, manufactured, fabricated, assembled, distributed, bought,
27 inspected, serviced, repaired, warranted, and sold the subject vehicles which were used for
28 ultimate use by consumers that caused Plaintiffs' injuries and damages as described herein.

1 Defendant TESLA INC., and DOES, and each of them, is an American corporation specializing in,
2 among other things, the design, manufacture, sale, and distribution of electric powered vehicles.

3 7. This court has proper venue because the injuries giving rise to this action occurred
4 within the County of Sacramento.

5 8. Plaintiffs LAILA SULTANI and S [REDACTED] S [REDACTED] are informed and believe, and
6 thereupon allege, that on or about May 12, 2023, the SUBJECT VEHICLE that was designed,
7 manufactured, rented, marketed, sold, and otherwise placed in the stream of commerce by
8 Defendant TESLA INC., and DOES, and each of them, and was being used in a reasonably
9 foreseeable manner by Plaintiffs LAILA SULTANI and S [REDACTED] S [REDACTED] when Plaintiffs were injured
10 while pulling into their driveway.

11 9. Plaintiffs LAILA SULTANI and S [REDACTED] S [REDACTED] are informed and believe, and
12 thereupon allege, that during Plaintiffs' pulling into their driveway the SUBJECT VEHICLE
13 accelerated into and through their garage door, whereby hitting the parked vehicle inside the
14 garage and then the garage wall, wherein the SUBJECT VEHICLE continued accelerating into the
15 water softener tank and wall cabinets where the SUBJECT VEHICLE finally came to a stop,
16 causing injury to the Plaintiffs.

17 **FIRST CAUSE OF ACTION**
18 **(STRICT PRODUCTS LIABILITY - DEFECTIVE DESIGN,**
19 **MANUFACTURING, AND FAILURE TO WARN)**
20 **As Against Defendants Tesla Inc., and DOES 1 through 50, inclusive, and each of them.**

21 10. Plaintiffs LAILA SULTANI and S [REDACTED] S [REDACTED] incorporate by reference each and
22 every preceding allegation as though fully set forth herein.

23 11. It is hereby alleged against all Defendants, and each of them, that under California
24 strict product liability law, that Plaintiffs LAILA SULTANI and S [REDACTED] S [REDACTED] had reasonable
25 expectations as consumers that the design of the SUBJECT VEHICLE would reasonably protect
26 against full frontal impact collisions. Defendants, and each of them, knew of the importance of
27 having a passenger protection system to perform in a manner as safely as an ordinary consumer
28 would expect.

12. It is also hereby alleged against all Defendants, and each of them, that under

1 California strict product liability law, that Plaintiffs LAILA SULTANI and S [REDACTED] S [REDACTED] had a
2 reasonable expectation as consumers that the SUBJECT VEHICLE's electronically powered and
3 computer controlled technology would reasonably perform as designed, manufactured, and
4 programmed by Defendants, and each of them, to control all aspects of the vehicle's operation,
5 including the drivetrain, emergency automatic braking system, the autopilot system, and
6 acceleration system to perform in a manner as an ordinary consumer would expect.

7 13. Prior to the date that the SUBJECT VEHICLE involved in this incident was designed
8 and manufactured, Defendants, and each of them, knew the occupants of the SUBJECT VEHICLE
9 would not be reasonably protected against full frontal impact collisions. Defendant TESLA INC.,
10 and DOES, and each of them, knew from their own testing and from reports available to them via
11 the National Highway Transportation Safety Administration that the SUBJECT VEHICLE was prone
12 to episodes of unwanted, unwarranted, or un-commanded acceleration, and had inadequate
13 sensors and onboard systems to prevent it from doing so, thereby placing occupants at risk.

14 14. At the time the above-described the SUBJECT VEHICLE left the possession of
15 Defendants TESLA INC. and DOES 1 – 50, and each of them, it was in a defective condition as
16 that term is understood under California law and was unreasonably dangerous when used in a
17 reasonably foreseeable manner. The SUBJECT VEHICLE constituted a defective product rendering
18 Defendants, and each of them, strictly liable in tort.

19 15. Defendant TESLA INC., and DOES, and each of them herein, failed to meet the
20 expectations of the reasonable consumer by placing on the market the SUBJECT VEHICLE which
21 failed to incorporate an autopilot system that included safety components preventing the vehicle
22 from automatically accelerating without direction from the operator and provide active automatic
23 collision avoidance in a manner which detected objects the car might impact and apply the brakes
24 so as to avoid impact, injury, or death to the vehicles occupants.

25 16. By reason of the omission of the above-described safety features from the SUBJECT
26 VEHICLE, on and prior to the date of the Plaintiffs LAILA SULTANI and S [REDACTED] S [REDACTED]'S injuries,
27 the SUBJECT VEHICLE was defective in its design in that the passenger protection systems of the
28 vehicle would not, could not, and did not perform in a manner as safely as an ordinary consumer

1 would expect. Further, the SUBJECT VEHICLE as designed caused injury to Plaintiffs LAILA
2 SULTANI and S [REDACTED] S [REDACTED], mother and daughter, when the SUBJECT VEHICLE failed to
3 perform as it should have.

4 17. In contrast to most other automobiles sold in the United States, Defendant Tesla's
5 Model 3 vehicles do not have an internal combustion engine. Rather, all of the systems within
6 the SUBJECT VEHICLE are electronically powered and are controlled by computers and
7 microprocessors which have been designed, manufactured, and programmed by Defendant's
8 engineers. Such computers, microprocessors, and programs control all aspects of the vehicle's
9 operation, including the drivetrain, emergency automatic braking system, the autopilot system,
10 and acceleration system.

11 18. Based on Defendants TESLA INC. and DOES 1 - 50, and each of them, advertising
12 and promotional material, Plaintiffs LAILA SULTANI and S [REDACTED] S [REDACTED] believed that the
13 SUBJECT VEHICLE's technology was such that the designed-in programs, software, hardware, and
14 systems would prevent the vehicle from automatic acceleration without driver input.

15 19. The Plaintiffs LAILA SULTANI and S [REDACTED] S [REDACTED] reasonably believed the
16 SUBJECT VEHICLE was safer than a human-operated vehicle because Defendants TESLA INC. and
17 DOES 1 - 50, and each of them, claimed that all of the safe-driving safety components
18 engineered into the vehicle would prevent automatic acceleration without the operator's control.

19 20. All Tesla vehicles, including the SUBJECT VEHICLE, which is the subject of this
20 lawsuit, rely upon a system of external sensors which, by design, should prevent the vehicle from
21 automatically accelerating without the vehicle's operator's direction. The vehicle should not
22 accelerate, without the input of the operator, in such a way as to cause damage, harm, or injury.

23 21. At the time of the design, manufacture, distribution, and delivery into the stream of
24 commerce of the SUBJECT VEHICLE, it lacked a safe and properly functioning acceleration
25 system. As a result, it could and would unexpectedly accelerate without the vehicle operator's
26 knowledge or intention.

27 22. Notwithstanding the fact that the SUBJECT VEHICLE was marketed and sold as a
28 "state of the art" automobile, the vehicle was without effective safe acceleration and crash

1 avoidance features that were operable on the date of this collision. By that date, multiple other
2 manufacturers of less expensive vehicles, including Subaru, Mazda, Chrysler Mitsubishi, and
3 Honda, all had vehicles in production with safe acceleration system features available no later
4 than the 2015 Model year.

5 23. Plaintiff LAILA SULTANI purchased the SUBJECT VEHICLE from the Defendants
6 TESLA INC. and DOES 1 – 50, and each of them, in May 2023. At no time at or after the
7 purchase of said vehicle did Plaintiffs LAILA SULTANI and S [REDACTED] S [REDACTED] or any person on her
8 behalf, alter, modify, or change any aspect or component of the vehicle's design or manufacture.

9 24. By reason of the foregoing, and as a direct and legal result of the defective state of
10 the SUBJECT VEHICLE, and strictly liable conduct of Defendants, and DOES, and each of them,
11 Plaintiffs LAILA SULTANI and S [REDACTED] S [REDACTED], sustained bodily injuries and were injured in their
12 health, strength, and activity, sustaining injuries to their bodies, and shock and injury to their
13 nervous systems and person, all of which have caused, and continue to cause Plaintiffs great
14 physical, mental, and nervous pain and suffering.

15 25. As a direct and proximate result of the alleged defects in the SUBJECT VEHICLE and
16 the conduct of Defendants TESLA INC. and DOES 1 – 50, and each of them, Plaintiffs LAILA
17 SULTANI and S [REDACTED] S [REDACTED], were compelled to, did, and will in the future employ the services
18 of hospitals, physicians, surgeons, nurses, and the like, to care for and treat them, and did incur
19 hospital, medical, professional and incidental expenses. Plaintiffs LAILA SULTANI and S [REDACTED]
20 S [REDACTED] are further informed and believe, and thereupon allege, that by reasons of their injuries,
21 they will necessarily incur additional like expenses for an indefinite period of time in the future,
22 the exact amount of which will be stated according to proof.

23 26. By reason of the foregoing, Plaintiffs LAILA SULTANI and S [REDACTED] S [REDACTED] have
24 sustained economic and non-economic damages as set forth herein, the exact amount of such
25 losses will be stated according to proof, pursuant to California Code of Civil Procedure Section
26 425.10.

27 27. Said conduct, in addition to establishing liability based upon strict product liability
28 rules in California, constitutes foreseeable general negligence by Defendants TESLA INC. and

DOES 1 – 50, and each of them.

WHEREFORE, Plaintiffs LAILA SULTANI and S [REDACTED] S [REDACTED] pray for judgment against Defendants TESLA INC. and DOES 1 – 50, and each of them, inclusive, as follows:

1. General damages in an amount as yet unknown, but in excess of the minimum jurisdictional limit of this court;

2. For all past and future medical and incidental expenses, according to proof;

3. All loss of earning and earning capacity, according to proof;

4. Prejudgment interest according to law on all general and special damages;

5. For cost of suit as to all Defendants; and,

6. For such other and further relief as this court may deem just and proper.

As a separate second cause of action, Plaintiffs LAILA SULTANI and S [REDACTED] S [REDACTED] complain against Defendants TESLA INC. and DOES 1 – 50, and each of them, and allege:

SECOND CAUSE OF ACTION
(NEGLIGENCE - PRODUCTS)

As Against Defendants Tesla Inc., and DOES 1 through 50, inclusive, and each of them.

28. Plaintiffs LAILA SULTANI and S [REDACTED] S [REDACTED] reallege and incorporate their First Cause of Action as if set forth here at length.

29. Said conduct, in addition to establishing liability based upon strict product liability rules in California, constitutes foreseeable general negligence by Defendants and each of them. Their conduct in the designing, marketing, use, set up, inspection, testing, and warning to consumers who use the SUBJECT VEHICLE automobile was unreasonable and dangerous under the circumstances.

30. At all relevant times herein, Defendants TESLA INC., and DOES, and each of them, were negligent and careless in their design, manufacture, testing, marketing, sale and maintenance of the SUBJECT VEHICLE, and Defendants TESLA INC., and DOES, and each of them, were negligent and careless in failing to provide adequate instructions and warnings to protect against injuries occurring as a result of vehicle acceleration malfunction, as occurred here.

31. By reason of the foregoing, and as a direct and legal cause of the negligence and carelessness of the Defendants TESLA INC., and DOES, and each of them, Plaintiffs LAILA

1 SULTANI and S [REDACTED] S [REDACTED] have incurred economic damages, the precise amount of such
2 expenses by way of amendment when the same have finally been determined.

3 32. By reason of the foregoing, and as a direct and legal result of the negligence and
4 carelessness of Defendants TESLA INC., and DOES, and each of them, Plaintiffs LAILA SULTANI
5 and S [REDACTED] S [REDACTED] have sustained non-economic damages in a sum in excess of the minimum
6 jurisdictional limits of this court.

7 WHEREFORE, Plaintiffs LAILA SULTANI and S [REDACTED] S [REDACTED] pray for judgment against
8 Defendants, TESLA INC., and DOES 1 through 50, inclusive, and each of them, as follows:

9 1. General damages in an amount as yet unknown, but in excess of the minimum
10 jurisdictional limit of this court;

11 2. For all past and future medical and incidental expenses, according to proof;

12 3. All loss of earning and earning capacity, according to proof;

13 4. Prejudgment interest according to law on all general and special damages;

14 5. For cost of suit as to all Defendants; and,

15 6. For such other and further relief as this court may deem just and proper.

16 **THIRD CAUSE OF ACTION**
(NEGLIGENCE – POST-SALE)

17 **As Against Defendants Tesla Inc., and DOES 1 through 50, inclusive, and each of them.**

18 31. Plaintiffs LAILA SULTANI and S [REDACTED] S [REDACTED] reallege and incorporate their First
19 Two Causes of Action as if set forth here at length.

20 32. For the reasons set forth above, and as a result of information acquired after the
21 design and marketing of the SUBJECT VEHICLE, which such information was acquired through
22 lawsuits, claims, information available from the U.S. Department of Transportation and the
23 National Highway Transportation Safety Administration, as well as other sources, the of
24 Defendants TESLA INC., and DOES, and each of them, herein knew or should have known that the
25 SUBJECT VEHICLE was likely to cause injury to its occupants by automatically accelerating without
26 the operator's direction when used in a reasonably foreseeable manner.

27 33. At all times relevant herein, Defendants TESLA INC. and DOES 1 – 50, and each of
28 them, had the technical ability and knowledge to identify purchasers, owners, and/or users of the

1 SUBJECT VEHICLE being driven by the Plaintiffs.

2 34. At all times herein mentioned, Defendants TESLA INC. and DOES 1 – 50, and each
3 of them, knew or should have known that purchasers, owners and/or users of the Tesla Model 3
4 such as the SUBJECT VEHICLE used by the Plaintiffs were unaware of defects in the vehicle.

5 35. At all times herein mentioned, a reasonable and truthful notification, notice,
6 advisory, and/or warning could have been effectively communicated to, and acted on, by
7 purchasers, owners, and/or users of the SUBJECT VEHICLE as to avoid injury from vehicles
8 automatically accelerating without operator direction.

9 36. At all times herein mentioned, a reasonable manufacturer, supplier, seller, or
10 distributor in the same or similar position as Defendants TESLA INC. and DOES 1 – 50, and each
11 of them, would have issued a recall, instituted a product exchange program, and/or provided a
12 warning to the public, purchasers, users, and consumers of the SUBJECT VEHICLE of the product's
13 affected condition, in light of the risk of harm and despite any burden imposed by providing a
14 warning.

15 37. By reasons foregoing, and as a direct and legal result of the negligent failure of
16 Defendants TESLA INC. and DOES 1 – 50, and each of them, to issue a recall, institute a product
17 exchange program, and/or provide an adequate warning, notice, notification, or any warning or at
18 all, to the public, purchasers, users, and consumers of the SUBJECT VEHICLE after the original
19 introduction of the vehicle into the U.S. market, Plaintiffs LAILA SULTANI and S [REDACTED] S [REDACTED]
20 suffered injuries herein described.

21 38. By reason of the forgoing and as a direct and legal result of the foregoing, Plaintiffs
22 LAILA SULTANI and S [REDACTED] S [REDACTED] were caused to suffer the injuries, harms, and losses herein
23 described.

24 WHEREFORE, Plaintiffs LAILA SULTANI and S [REDACTED] S [REDACTED] pray for judgment against
25 Defendants, TESLA INC., and DOES 1 through 50, inclusive, and each of them, as follows:

26 1. General damages in an amount as yet unknown, but in excess of the minimum
27 jurisdictional limit of this court;

28 2. For all past and future medical and incidental expenses, according to proof;

3. All loss of earning and earning capacity, according to proof;
4. Prejudgment interest according to law on all general and special damages;
5. For cost of suit as to all Defendants; and,
6. For such other and further relief as this court may deem just and proper.

DATED: March 8, 2024

DREYER BABICH BUCCOLA WOOD CAMPORA, LLP



By: _____
RYAN L. DOSTART

EXHIBIT B

ELECTRONICALLY FILED
Superior Court of California
County of Sacramento

04/04/2024

By: K. Johnson Deputy

1 RYAN L. DOSTART, ESQ. / SBN: 281539
2 **DREYER BABICH BUCCOLA WOOD CAMPORA, LLP**
3 20 Bicentennial Circle
4 Sacramento, CA 95826
5 Telephone: (916) 379-3500
6 Facsimile: (916) 379-3599
7 DBBWC-ESERVICE@dbbwc.com

8 Attorneys for Plaintiff

9 SUPERIOR COURT OF CALIFORNIA

10 COUNTY OF SACRAMENTO

11 LAILA SULTANI, and S [REDACTED] S [REDACTED] a
12 minor, by and through her Guardian Ad
Litem EHSAN SULTANI,

Case No.:

AMENDED COMPLAINT

13 Plaintiff,

14 v.

15 TESLA INC., doing business in California as
16 TESLA MOTORS, INC., and DOES 1 through
50, inclusive,

17 Defendants.

18 Plaintiffs LAILA SULTANI and S [REDACTED] S [REDACTED] complain against Defendants TESLA INC.,
19 and DOES 1 through 50, and alleges as follows:

20 **GENERAL ALLEGATIONS APPLICABLE TO EACH CAUSE OF ACTION**

21 1. On May 12, 2023, Plaintiff LAILA SULTANI was operating the 2023 Tesla Model 3,
22 herein after known as "SUBJECT VEHICLE", with Plaintiff S [REDACTED] S [REDACTED] in the front passenger
23 seat. They were injured when they used a defective and dangerous electric vehicle and as a result
24 thereof suffered damages.

25 2. Plaintiffs are informed and believe, and there upon allege that the injuries and
26 damages suffered by Plaintiffs LAILA SULTANI and S [REDACTED] S [REDACTED] mother and daughter, were
27 caused by Defendant TESLA INC., doing business in California as TESLA MOTORS, INC., herein
28 after known as "TESLA INC." and DOES, and each of them, as described herein, for which

1 Defendants owe Plaintiffs money damages. Accordingly, Plaintiffs LAILA SULTANI and S [REDACTED]
2 S [REDACTED] now assert causes of action against the above-named Defendants on negligence and
3 strict liability theories under California law.

4 3. The true names and/or capacities, whether individual, corporate, associate or
5 otherwise of Defendants DOES 1 through 50, inclusive, and each of them, are unknown to
6 Plaintiffs, who therefore sue said defendants by such fictitious names. Plaintiffs LAILA SULTANI
7 and S [REDACTED] S [REDACTED] are informed and believe, and thereupon allege, that each of the defendants
8 fictitiously named herein as DOES 1 through 50, inclusive, is legally responsible in some manner
9 at law or equity, by virtue of strict liability, principles, negligence, failure to warn, or warranty, or
10 through some other actionable theories, for the events and happenings hereinafter referred to as
11 substantial factors in causing the injuries and damages to Plaintiffs LAILA SULTANI and S [REDACTED]
12 S [REDACTED] as alleged herein. Plaintiffs LAILA SULTANI and S [REDACTED] S [REDACTED] will seek leave of Court
13 to amend this Complaint to assert the true names and/or capacities and applicable legal theories
14 against such fictitiously named defendants when the same have been ascertained.

15 4. Plaintiffs LAILA SULTANI and S [REDACTED] S [REDACTED] are informed and believe, and
16 thereupon allege that, at all times mentioned herein, Defendant TESLA, INC., and DOES, and
17 each of them, was and is a corporation organized under the laws of the State of Delaware, with
18 its principal place of business in Palo Alto, California, in the County of Santa Clara, which has
19 regularly done and is doing business in the State of California.

20 5. Plaintiffs LAILA SULTANI and S [REDACTED] S [REDACTED] are informed and believe, and
21 thereupon allege, that at all times herein mentioned, Defendant TESLA INC., and DOES, and each
22 of them, acted as the agent, servant, partner, franchisee, joint venturer, and/or employee of
23 each of the other Defendant TESLA INC., and DOES, and each of them within the course and scop
24 of such agency and authority.

25 6. Plaintiffs LAILA SULTANI and S [REDACTED] S [REDACTED] are informed and believe, and
26 thereupon allege, that at all times herein mentioned, Defendant TESLA INC., and DOES, and each
27 of them, designed, tested, developed, manufactured, fabricated, assembled, distributed, bought,
28 inspected, serviced, repaired, warranted, and sold the subject vehicles which were used for

1 ultimate use by consumers that caused Plaintiffs' injuries and damages as described herein.
 2 Defendant TESLA INC., and DOES, and each of them, is an American corporation specializing in,
 3 among other things, the design, manufacture, sale, and distribution of electric powered vehicles.

4 7. This court has proper venue because the injuries giving rise to this action occurred
 5 within the County of Sacramento.

6 8. Plaintiffs LAILA SULTANI and S [REDACTED] S [REDACTED] are informed and believe, and
 7 thereupon allege, that on or about May 12, 2023, the SUBJECT VEHICLE that was designed,
 8 manufactured, rented, marketed, sold, and otherwise placed in the stream of commerce by
 9 Defendant TESLA INC., and DOES, and each of them, and was being used in a reasonably
 10 foreseeable manner by Plaintiffs LAILA SULTANI and S [REDACTED] S [REDACTED] when Plaintiffs were injured
 11 while pulling into their driveway.

12 9. Plaintiffs LAILA SULTANI and S [REDACTED] S [REDACTED] are informed and believe, and
 13 thereupon allege, that during Plaintiffs' pulling into their driveway the SUBJECT VEHICLE
 14 accelerated into and through their garage door, whereby hitting the parked vehicle inside the
 15 garage and then the garage wall, wherein the SUBJECT VEHICLE continued accelerating into the
 16 water softener tank and wall cabinets where the SUBJECT VEHICLE finally came to a stop,
 17 causing injury to the Plaintiffs.

18 **FIRST CAUSE OF ACTION**
 19 **(STRICT PRODUCTS LIABILITY - DEFECTIVE DESIGN,**
 20 **MANUFACTURING, AND FAILURE TO WARN)**
 21 **As Against Defendants Tesla Inc., and DOES 1 through 50, inclusive, and each of them.**

22 10. Plaintiffs LAILA SULTANI and S [REDACTED] S [REDACTED] incorporate by reference each and
 23 every preceding allegation as though fully set forth herein.

24 11. It is hereby alleged against all Defendants, and each of them, that under California
 25 strict product liability law, that Plaintiffs LAILA SULTANI and S [REDACTED] S [REDACTED] had reasonable
 26 expectations as consumers that the design of the SUBJECT VEHICLE would reasonably protect
 27 against full frontal impact collisions. Defendants, and each of them, knew of the importance of
 28 having a passenger protection system to perform in a manner as safely as an ordinary consumer
 would expect.

1 12. It is also hereby alleged against all Defendants, and each of them, that under
2 California strict product liability law, that Plaintiffs LAILA SULTANI and S [REDACTED] S [REDACTED] had a
3 reasonable expectation as consumers that the SUBJECT VEHICLE's electronically powered and
4 computer controlled technology would reasonably perform as designed, manufactured, and
5 programmed by Defendants, and each of them, to control all aspects of the vehicle's operation,
6 including the drivetrain, emergency automatic braking system, the autopilot system, and
7 acceleration system to perform in a manner as an ordinary consumer would expect.

8 13. Prior to the date that the SUBJECT VEHICLE involved in this incident was designed
9 and manufactured, Defendants, and each of them, knew the occupants of the SUBJECT VEHICLE
10 would not be reasonably protected against full frontal impact collisions. Defendant TESLA INC.,
11 and DOES, and each of them, knew from their own testing and from reports available to them via
12 the National Highway Transportation Safety Administration that the SUBJECT VEHICLE was prone
13 to episodes of unwanted, unwarranted, or un-commanded acceleration, and had inadequate
14 sensors and onboard systems to prevent it from doing so, thereby placing occupants at risk.

15 14. At the time the above-described the SUBJECT VEHICLE left the possession of
16 Defendants TESLA INC. and DOES 1 – 50, and each of them, it was in a defective condition as
17 that term is understood under California law and was unreasonably dangerous when used in a
18 reasonably foreseeable manner. The SUBJECT VEHICLE constituted a defective product rendering
19 Defendants, and each of them, strictly liable in tort.

20 15. Defendant TESLA INC., and DOES, and each of them herein, failed to meet the
21 expectations of the reasonable consumer by placing on the market the SUBJECT VEHICLE which
22 failed to incorporate an autopilot system that included safety components preventing the vehicle
23 from automatically accelerating without direction from the operator and provide active automatic
24 collision avoidance in a manner which detected objects the car might impact and apply the brakes
25 so as to avoid impact, injury, or death to the vehicles occupants.

26 16. By reason of the omission of the above-described safety features from the SUBJECT
27 VEHICLE, on and prior to the date of the Plaintiffs LAILA SULTANI and S [REDACTED] S [REDACTED] S injuries,
28 the SUBJECT VEHICLE was defective in its design in that the passenger protection systems of the

1 vehicle would not, could not, and did not perform in a manner as safely as an ordinary consumer
2 would expect. Further, the SUBJECT VEHICLE as designed caused injury to Plaintiffs LAILA
3 SULTANI and S [REDACTED] S [REDACTED] mother and daughter, when the SUBJECT VEHICLE failed to
4 perform as it should have.

5 17. In contrast to most other automobiles sold in the United States, Defendant Tesla's
6 Model 3 vehicles do not have an internal combustion engine. Rather, all of the systems within
7 the SUBJECT VEHICLE are electronically powered and are controlled by computers and
8 microprocessors which have been designed, manufactured, and programmed by Defendant's
9 engineers. Such computers, microprocessors, and programs control all aspects of the vehicle's
10 operation, including the drivetrain, emergency automatic braking system, the autopilot system,
11 and acceleration system.

12 18. Based on Defendants TESLA INC. and DOES 1 – 50, and each of them, advertising
13 and promotional material, Plaintiffs LAILA SULTANI and S [REDACTED] S [REDACTED] believed that the
14 SUBJECT VEHICLE's technology was such that the designed-in programs, software, hardware, and
15 systems would prevent the vehicle from automatic acceleration without driver input.

16 19. The Plaintiffs LAILA SULTANI and S [REDACTED] S [REDACTED] reasonably believed the
17 SUBJECT VEHICLE was safer than a human-operated vehicle because Defendants TESLA INC. and
18 DOES 1 – 50, and each of them, claimed that all of the safe-driving safety components
19 engineered into the vehicle would prevent automatic acceleration without the operator's control.

20 20. All Tesla vehicles, including the SUBJECT VEHICLE, which is the subject of this
21 lawsuit, rely upon a system of external sensors which, by design, should prevent the vehicle from
22 automatically accelerating without the vehicle's operator's direction. The vehicle should not
23 accelerate, without the input of the operator, in such a way as to cause damage, harm, or injury.

24 21. At the time of the design, manufacture, distribution, and delivery into the stream of
25 commerce of the SUBJECT VEHICLE, it lacked a safe and properly functioning acceleration
26 system. As a result, it could and would unexpectedly accelerate without the vehicle operator's
27 knowledge or intention.

28 22. Notwithstanding the fact that the SUBJECT VEHICLE was marketed and sold as a

1 "state of the art" automobile, the vehicle was without effective safe acceleration and crash
2 avoidance features that were operable on the date of this collision. By that date, multiple other
3 manufacturers of less expensive vehicles, including Subaru, Mazda, Chrysler Mitsubishi, and
4 Honda, all had vehicles in production with safe acceleration system features available no later
5 than the 2015 Model year.

6 23. Plaintiff LAILA SULTANI purchased the SUBJECT VEHICLE from the Defendants
7 TESLA INC. and DOES 1 – 50, and each of them, in May 2023. At no time at or after the
8 purchase of said vehicle did Plaintiffs LAILA SULTANI and S [REDACTED] S [REDACTED] or any person on her
9 behalf, alter, modify, or change any aspect or component of the vehicle's design or manufacture.

10 24. By reason of the foregoing, and as a direct and legal result of the defective state of
11 the SUBJECT VEHICLE, and strictly liable conduct of Defendants, and DOES, and each of them,
12 Plaintiffs LAILA SULTANI and S [REDACTED] S [REDACTED] sustained bodily injuries and were injured in their
13 health, strength, and activity, sustaining injuries to their bodies, and shock and injury to their
14 nervous systems and person, all of which have caused, and continue to cause Plaintiffs great
15 physical, mental, and nervous pain and suffering.

16 25. As a direct and proximate result of the alleged defects in the SUBJECT VEHICLE and
17 the conduct of Defendants TESLA INC. and DOES 1 – 50, and each of them, Plaintiffs LAILA
18 SULTANI and SAMAR SULTANI, were compelled to, did, and will in the future employ the services
19 of hospitals, physicians, surgeons, nurses, and the like, to care for and treat them, and did incur
20 hospital, medical, professional and incidental expenses. Plaintiffs LAILA SULTANI and S [REDACTED]
21 S [REDACTED] are further informed and believe, and thereupon allege, that by reasons of their injuries,
22 they will necessarily incur additional like expenses for an indefinite period of time in the future,
23 the exact amount of which will be stated according to proof.

24 26. By reason of the foregoing, Plaintiffs LAILA SULTANI and S [REDACTED] S [REDACTED] have
25 sustained economic and non-economic damages as set forth herein, the exact amount of such
26 losses will be stated according to proof, pursuant to California Code of Civil Procedure Section
27 425.10.

28 27. Said conduct, in addition to establishing liability based upon strict product liability

1 rules in California, constitutes foreseeable general negligence by Defendants TESLA INC. and
2 DOES 1 – 50, and each of them.

3 WHEREFORE, Plaintiffs LAILA SULTANI and S [REDACTED] S [REDACTED] pray for judgment against
4 Defendants TESLA INC. and DOES 1 – 50, and each of them, inclusive, as follows:

5 1. General damages in an amount as yet unknown, but in excess of the minimum
6 jurisdictional limit of this court;

7 2. For all past and future medical and incidental expenses, according to proof;

8 3. All loss of earning and earning capacity, according to proof;

9 4. Prejudgment interest according to law on all general and special damages;

10 5. For cost of suit as to all Defendants; and,

11 6. For such other and further relief as this court may deem just and proper.

12 As a separate second cause of action, Plaintiffs LAILA SULTANI and S [REDACTED] S [REDACTED]
13 complain against Defendants TESLA INC. and DOES 1 – 50, and each of them, and allege:

14 **SECOND CAUSE OF ACTION**
(NEGLIGENCE - PRODUCTS)

15 **As Against Defendants Tesla Inc., and DOES 1 through 50, inclusive, and each of them.**

16 28. Plaintiffs LAILA SULTANI and S [REDACTED] S [REDACTED] reallege and incorporate their First
17 Cause of Action as if set forth here at length.

18 29. Said conduct, in addition to establishing liability based upon strict product liability
19 rules in California, constitutes foreseeable general negligence by Defendants and each of them.
20 Their conduct in the designing, marketing, use, set up, inspection, testing, and warning to
21 consumers who use the SUBJECT VEHICLE automobile was unreasonable and dangerous under
22 the circumstances.

23 30. At all relevant times herein, Defendants TESLA INC., and DOES, and each of them,
24 were negligent and careless in their design, manufacture, testing, marketing, sale and
25 maintenance of the SUBJECT VEHICLE, and Defendants TESLA INC., and DOES, and each of
26 them, were negligent and careless in failing to provide adequate instructions and warnings to
27 protect against injuries occurring as a result of vehicle acceleration malfunction, as occurred here.

28 31. By reason of the foregoing, and as a direct and legal cause of the negligence and

1 carelessness of the Defendants TESLA INC., and DOES, and each of them, Plaintiffs LAILA
2 SULTANI and S [REDACTED] S [REDACTED] have incurred economic damages, the precise amount of such
3 expenses by way of amendment when the same have finally been determined.

4 32. By reason of the foregoing, and as a direct and legal result of the negligence and
5 carelessness of Defendants TESLA INC., and DOES, and each of them, Plaintiffs LAILA SULTANI
6 and S [REDACTED] S [REDACTED] have sustained non-economic damages in a sum in excess of the minimum
7 jurisdictional limits of this court.

8 WHEREFORE, Plaintiffs LAILA SULTANI and S [REDACTED] S [REDACTED] pray for judgment against
9 Defendants, TESLA INC., and DOES 1 through 50, inclusive, and each of them, as follows:

- 10 1. General damages in an amount as yet unknown, but in excess of the minimum
11 jurisdictional limit of this court;
- 12 2. For all past and future medical and incidental expenses, according to proof;
- 13 3. All loss of earning and earning capacity, according to proof;
- 14 4. Prejudgment interest according to law on all general and special damages;
- 15 5. For cost of suit as to all Defendants; and,
- 16 6. For such other and further relief as this court may deem just and proper.

17 **THIRD CAUSE OF ACTION**
(NEGLIGENCE – POST-SALE)

18 **As Against Defendants Tesla Inc., and DOES 1 through 50, inclusive, and each of them.**

19 31. Plaintiffs LAILA SULTANI and S [REDACTED] S [REDACTED] reallege and incorporate their First
20 Two Causes of Action as if set forth here at length.

21 32. For the reasons set forth above, and as a result of information acquired after the
22 design and marketing of the SUBJECT VEHICLE, which such information was acquired through
23 lawsuits, claims, information available from the U.S. Department of Transportation and the
24 National Highway Transportation Safety Administration, as well as other sources, the of
25 Defendants TESLA INC., and DOES, and each of them, herein knew or should have known that the
26 SUBJECT VEHICLE was likely to cause injury to its occupants by automatically accelerating without
27 the operator's direction when used in a reasonably foreseeable manner.

28 33. At all times relevant herein, Defendants TESLA INC. and DOES 1 – 50, and each of

1 them, had the technical ability and knowledge to identify purchasers, owners, and/or users of the
2 SUBJECT VEHICLE being driven by the Plaintiffs.

3 34. At all times herein mentioned, Defendants TESLA INC. and DOES 1 – 50, and each
4 of them, knew or should have known that purchasers, owners and/or users of the Tesla Model 3
5 such as the SUBJECT VEHICLE used by the Plaintiffs were unaware of defects in the vehicle.

6 35. At all times herein mentioned, a reasonable and truthful notification, notice,
7 advisory, and/or warning could have been effectively communicated to, and acted on, by
8 purchasers, owners, and/or users of the SUBJECT VEHICLE as to avoid injury from vehicles
9 automatically accelerating without operator direction.

10 36. At all times herein mentioned, a reasonable manufacturer, supplier, seller, or
11 distributor in the same or similar position as Defendants TESLA INC. and DOES 1 – 50, and each
12 of them, would have issued a recall, instituted a product exchange program, and/or provided a
13 warning to the public, purchasers, users, and consumers of the SUBJECT VEHICLE of the product's
14 affected condition, in light of the risk of harm and despite any burden imposed by providing a
15 warning.

16 37. By reasons foregoing, and as a direct and legal result of the negligent failure of
17 Defendants TESLA INC. and DOES 1 – 50, and each of them, to issue a recall, institute a product
18 exchange program, and/or provide an adequate warning, notice, notification, or any warning or at
19 all, to the public, purchasers, users, and consumers of the SUBJECT VEHICLE after the original
20 introduction of the vehicle into the U.S. market, Plaintiffs LAILA SULTANI and S [REDACTED] S [REDACTED]
21 suffered injuries herein described.

22 38. By reason of the foregoing and as a direct and legal result of the foregoing, Plaintiffs
23 LAILA SULTANI and S [REDACTED] S [REDACTED], were caused to suffer the injuries, harms, and losses herein
24 described.

25 WHEREFORE, Plaintiffs LAILA SULTANI and S [REDACTED] S [REDACTED] pray for judgment against
26 Defendants, TESLA INC., and DOES 1 through 50, inclusive, and each of them, as follows:

27 1. General damages in an amount as yet unknown, but in excess of the minimum
28 jurisdictional limit of this court;

2. For all past and future medical and incidental expenses, according to proof;
3. All loss of earning and earning capacity, according to proof;
4. Prejudgment interest according to law on all general and special damages;
5. For cost of suit as to all Defendants; and,
6. For such other and further relief as this court may deem just and proper.

DATED: March 11, 2024

DREYER BABICH BUCCOLA WOOD CAMPORA, LLP



By: _____
RYAN L. DOSTART

EXHIBIT C

Lauren O. Miller (CA SBN 279448)
millerl@tesla.com
510-362-3599
Ryan A. McCarthy (CA SBN 233093)
rmccarthy@tesla.com
510-602-3267
TESLA INC.
3000 Hanover Street
Palo Alto, CA 94304

ELECTRONICALLY FILED
Superior Court of California
County of Sacramento
05/10/2024
By: V. Bloxson Deputy

Attorneys for Defendant TESLA, INC.

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SACRAMENTO

LAILA SULTANI, and S [REDACTED] S [REDACTED] a
minor, by and through her Guardian m
EHSAN SULTANI,

Plaintiff,

vs.

TESLA, INC., doing business in California as
TESLA MOTORS, INC., and DOES 1 through
50, inclusive,

Defendants.

Case No. 24CV004635

**DEFENDANT TESLA, INC.'S ANSWER
TO PLAINTIFFS' AMENDED
COMPLAINT**

Date Filed: March 8, 2024

Defendant Tesla, Inc., by and through its attorneys, answers the Amended Complaint of
Plaintiffs Laila Sultani and S [REDACTED] S [REDACTED] by and through her guardian ad litem Ehsan Sultani
("Plaintiffs"), as follows:

GENERAL DENIAL

Pursuant to California Code of Civil Procedure section 431.30(d), Tesla denies each and
every allegation, both specifically and generally, of each cause of action contained in the Amended
Complaint and denies that Plaintiffs sustained or will sustain damages in any sum at all.

FIRST AFFIRMATIVE DEFENSE

The Amended Complaint, and each separate cause of action alleged in it, fails to state facts
sufficient to constitute a cause of action against Tesla.

SECOND AFFIRMATIVE DEFENSE

Tesla is informed and believes and on that basis alleges that any injuries or damages sustained by Plaintiffs were caused or contributed to by the negligence or other wrongful conduct of persons, firms, partnerships, corporations, municipalities, or entities other than Tesla, including but not limited to any unnamed Doe Defendant, and that said negligence or other wrongful conduct comparatively reduces the percentage of negligence or other liability, if any, of Tesla.

THIRD AFFIRMATIVE DEFENSE

Tesla is informed and believes and on that basis alleges that the injuries and damages sustained by Plaintiffs alleged in the Amended Complaint were directly and proximately caused by the superseding, intervening acts and omissions of a third party or third parties for which Tesla is neither responsible nor liable.

FOURTH AFFIRMATIVE DEFENSE

Tesla is informed and believes and on that basis alleges that the injuries and damages sustained by Plaintiffs alleged in the Amended Complaint were legally and proximately caused or contributed to by the negligence, fault, negligence per se, assumption of risk, and other culpable conduct of Plaintiffs, and that the amount of damages, if any, that Plaintiffs may recover against Tesla must be diminished in the proportion that such conduct contributed to the alleged injuries, losses, or damages sustained by Plaintiffs.

FIFTH AFFIRMATIVE DEFENSE

Tesla is informed and believes and on that basis alleges that the damages and injuries sustained by Plaintiffs as alleged in the Amended Complaint were legally and proximately caused by, and arose out of, risks of which Plaintiffs knew and understood.

SIXTH AFFIRMATIVE DEFENSE

Tesla is informed and believes and on that basis alleges that Plaintiffs failed to mitigate their damages, if any, in the manner and to the extent required by law.

SEVENTH AFFIRMATIVE DEFENSE

Tesla is informed and believes and on that basis alleges that, if there is any comparative fault attributed to individuals or entities other than Tesla, including but not limited to any unnamed

1 Doe Defendant, then California Civil Code sections 1431, et seq. provide that this percentage of
2 fault comparatively reduces the non-economic damages, if any, that Plaintiffs can recover from
3 Tesla.

4 **EIGHTH AFFIRMATIVE DEFENSE**

5 Tesla is informed and believes and on that basis alleges that Plaintiffs' causes of action
6 against Tesla are barred by the applicable statute of limitations, including the statute of limitations
7 set forth in California Code of Civil Procedure sections 335.1, 337, and 338 or any other applicable
8 statutes of limitation or statutes of repose.

9 **NINTH AFFIRMATIVE DEFENSE**

10 Tesla is informed and believes and on that basis alleges that Plaintiffs' claims against Tesla
11 are barred by a prior settlement or release of all claims.

12 **TENTH AFFIRMATIVE DEFENSE**

13 Tesla is informed and believes and on that basis alleges that Plaintiffs unreasonably delayed
14 in bringing suit against Tesla, which prejudiced Tesla, and consequently that Plaintiffs' causes of
15 action against Tesla are barred by the doctrine of laches.

16 **ELEVENTH AFFIRMATIVE DEFENSE**

17 Tesla is informed and believes and on that basis alleges that by virtue of Plaintiffs' actions
18 and conduct prior to the filing of the Amended Complaint, Plaintiffs are barred from seeking or
19 being awarded any relief herein by the doctrines of waiver or estoppel.

20 **TWELFTH AFFIRMATIVE DEFENSE**

21 Tesla is informed and believes and on that basis alleges that Plaintiffs are barred from
22 seeking or being awarded any relief herein by the doctrine of unclean hands.

23 **THIRTEENTH AFFIRMATIVE DEFENSE**

24 Tesla is informed and believes and on that basis alleges that Plaintiffs are barred from
25 obtaining any recovery on the allegations in the Amended Complaint because Tesla has abided by
26 all applicable laws, regulations, and statutes.

27 **FOURTEENTH AFFIRMATIVE DEFENSE**

28 Tesla is informed and believes and on that basis alleges that Plaintiffs' claims against Tesla

are preempted, in whole or in part, by federal law.

FIFTEENTH AFFIRMATIVE DEFENSE

Tesla is informed and believes and on that basis alleges that Plaintiffs are precluded from proceeding against Tesla by reason of their negligent or otherwise wrongful failure to preserve or to cause others to preserve evidence relating to the accident that forms the subject matter of this action, including but not limited to the vehicle described in the Amended Complaint, and its component parts.

SIXTEENTH AFFIRMATIVE DEFENSE

Tesla is informed and believes and on that basis alleges that it will not be able to defend this action or, alternatively, that its defense has been substantially interfered with because of the loss, alteration, destruction, or failure to preserve evidence involved in this action including, but not limited to, the subject vehicle or its component parts.

SEVENTEENTH AFFIRMATIVE DEFENSE

Tesla is informed and believes and on that basis alleges that the damages and injuries alleged in the Amended Complaint were legally and proximately caused by the alteration or modification of the subject vehicle or its component parts.

EIGHTEENTH AFFIRMATIVE DEFENSE

Tesla is informed and believes and on that basis alleges that the damages and injuries alleged in the Amended Complaint were legally and proximately caused by the unforeseeable misuse of the subject vehicle or its component parts.

NINETEENTH AFFIRMATIVE DEFENSE

Tesla is informed and believes and on that basis alleges that the damages and injuries alleged in the Amended Complaint were legally and proximately caused by, and arose out of, risks that were outweighed by the benefits of the subject vehicle's design.

TWENTIETH AFFIRMATIVE DEFENSE

Tesla discharged its duty to warn, if any, concerning the subject vehicle or its component parts by providing adequate warnings and instructions to persons in the chain of distribution.

TWENTY-FIRST AFFIRMATIVE DEFENSE

Tesla is informed and believes and on that basis alleges that Tesla had no duty to issue a recall related to the subject vehicle given the circumstances and facts alleged in Plaintiff's Amended Complaint.

TWENTY-SECOND AFFIRMATIVE DEFENSE

Tesla reserves the right to amend its answer to assert further affirmative defenses that are not presently known but may become known and available through further investigation and discovery.

PRAYER FOR RELIEF

WHEREFORE, Tesla prays as follows:

1. For dismissal of the Amended Complaint with prejudice;
2. For a judgment in favor of Tesla and against Plaintiffs;
3. For costs of suit incurred herein; and
4. For such other and further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Tesla hereby demands a trial by jury.

DATED: May 10, 2024

TESLA, INC.



By: _____

Ryan A. McCarthy
Lauren O. Miller
Attorneys for Defendant
TESLA, INC.

PROOF OF SERVICE
CCP 1013A(3)

STATE OF OREGON, COUNTY OF CLACKAMAS

I am employed in the County of Santa Clara, State of California. I am over the age of 18 and not a party to the within action; my business address is 3000 Hanover Street, Palo Alto, California 94304.

On May 10, 2024, I caused to be served the foregoing documents described as:

- **DEFENDANT TESLA, INC.'S ANSWER TO PLAINTIFFS' AMENDED COMPLAINT**

on all interested parties in this action by placing true copy(ies) thereof addressed as follows:

SEE ATTACHED SERVICE LIST

() **BY MAIL (CCP §1013(a) and §2015.5):** As follows: I served the documents by placing the envelope for collection and mailing following our ordinary business practices. I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Fremont, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

() **BY OVERNIGHT DELIVERY/NEXT DAY DELIVERY (CCP §1013(a) and §2015.5):** I sealed such document(s) in separate envelopes for each addressee and deposited each for collection and mailing via overnight mail/next day delivery in a box or other facility regularly maintained by the U.S. Postal Service or an express service carrier, or delivered to an authorized courier or driver authorized by the U.S. Postal Service or an express service carrier to receive documents, with delivery fees paid or provided for.

() **BY FACSIMILE (CRC 2.306 and §2015.5):** The document(s) were transmitted by facsimile transmission to each of the parties at the facsimile number(s) listed on the attached service/mailling list and the transmission(s) reported as complete and without error. The facsimile machine I used complied with the California Rules of Court, Rule 2.306(g), and no error was reported by the machine. Pursuant to CRC, Rule 2.306(g), I caused the facsimile machine to print a transmission(s) record, a true and correct copy of which is attached hereto.

(X) **BY ELECTRONIC SERVICE (CCP 1010.6.(b)(6):** Based on an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the addressees persons at the electronic notification listed on the Service/Mailing List.

Executed on May 10, 2024 at West Linn, Oregon.

(X) (State) I declare under penalty of perjury under the laws of the States of California and Oregon that the above is true and correct.

Ryan A. McCarthy
Ryan A. McCarthy

SERVICE/MAILING LIST

Laila Sultani, et al. v. Tesla, Inc.

Sacramento County Superior Court Case No: 24CV004635

Ryan L. Dostart
Dreyer Babich Buccola Wood Campora, LLP
20 Bicentennial Circle
Sacramento, CA 95826

Plaintiffs

Tel: (916) 379-3500

Email: rdostart@dbbwc.com; DBBWC-ESERVICE@dbbwc.com